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October 17, 2024

**BY ELECTRONIC CASE FILING**

Honorable Nina R. Morrison  
United States District Court Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

***Re: Besedin v. Nassau County et al.,***  
**Docket No.: CV-18-0819 (NRM) (ST)**

Dear Judge Morrison:

As you are aware our office represents the Plaintiff, Robert Besedin, in the above referenced matter. We are writing this letter in accordance with Your Honor's October 15, 2024 Order to provide an updated proposed exhibit list and remaining objections. Please see below:

**Plaintiff's Proposed Exhibit List**

Plaintiff proposes to include Plaintiff's Exhibits 1, 2, 3, 4, 6, 7<sup>1</sup>, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 41, 42<sup>2</sup>, 43, 44, 45, 46, 47, and 52.

Plaintiff does not intend to include Plaintiff's Exhibits 5, 10, 14, 28-35, 39, 40, 48, 49, 50, 51 and 53.

We would like to inform the Court of an administrative error regarding Plaintiff's Exhibits 11 and 12. The radio calls as designated on our list are bate stamped # Besedin 328, which were intended to be included on our list were improperly identified as #Besedin 329-330, it should have been properly listed as #Besedin 328. The language we used in the JPTO for Exhibits 11 and 12 states Audio CD of Radio calls. We provided the Court and Defendants with the 911 calls instead of the radio calls in error. Although Plaintiff does not intend to utilize the radio calls, if Defendants

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<sup>1</sup>As for Plaintiff's Exhibit 7, Plaintiff reserves the right to confirm with the Court that Your Honor does not allow expert reports to be received into evidence.

<sup>2</sup>Plaintiff anticipates using Plaintiff's Exhibits 42 and 43 only to refresh recollection.

are allowed to use the 911 calls which we object to as hearsay without an exception and that the 911 calls are uncertified, we would like to offer the radio calls into evidence.

**Defendants' Exhibit List**

Plaintiff does not object to Defendants' Exhibits C, D, E, F.

Plaintiff objects to Defendants' Exhibits A and B based on the exhibits being uncertified and under FRE 802, as both exhibits are hearsay without any exception.

Plaintiff objects to Defendants' Exhibit G as it cannot be properly authenticated and it is impermissible hearsay.

Plaintiff objects to Defendants' Exhibit H which has no bates stamp, and it is substantially prejudicial and should be excluded under FRE 403 and Plaintiff did not receive a copy during discovery.

Thank you for your consideration in this matter.

Respectfully submitted,

*Cobia M. Powell*

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CMP.FKB

cc: : All Counsel (By ECF)